

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-10, 13-14 and 18-25 are pending in this application. By this Amendment, claims 1, 6, 9, 13, 18 and 21 are amended and no claims have been cancelled. No new matter is added. Claims 1, 6, 9, 13, 18 and 21 are the independent claims. Example support for the amendments herein may be found at Figs. 3 and 5a-7 of Applicants' application.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

Rejections under 35 U.S.C. § 103

Claims 1-10, 13-14 and 18-25

Claims 1-10, 13-14 and 18-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori et al. (US Publication No. 2002/0095531) in view of Konuma (US Publication No. 2002/0085122). Applicants respectfully traverse this rejection for the reasons detailed below.

Amended claim 1 recites *inter alia*, "the additional data is configured to be presented on a plurality of sub-planes based on a type of the additional data so that at least one of the plurality of distinct regions is configured to be presented on a corresponding one of the sub-planes," with "the additional data including graphic data and subtitle data, the graphic data including first type graphic data for providing interactive displays and second type graphic data for providing images."

Amended claim 1 further recites *inter alia*, “the first type graphic data and the second type graphic data are configured to be decoded by a corresponding decoder separately and presented on different sub-planes of the plurality of sub-planes.” In the Examiner’s response at Pg. 2 of the Office Action, the Examiner states that “Konuma discloses that there can be many types of planes superimposed on each other” because “even though [Konuma] discloses only one graphic plane, anyone of ordinary skill in the art will know that more than one graphic plane can be superimposed.” In particular, the Examiner relies on Para. [0093] of Konuma, which discloses “the composition (superimposition) of image planes, for example a text plane such as subtitles, a sprite plane for indicating an arrow, etc.” Para. [0093] of Konuma also discloses “the composition (superposition) of the moving picture plane, the still picture plane and the graphics plane.” Therefore, while Konuma may disclose a separate plane for “graphics,” Konuma does not teach distinguishing between different types of graphic data (such as interactive display type graphic data and image type graphic data) and separately processing the different types of graphic data to different graphic planes. As such, Konuma fails to disclose “the first type graphic data and the second type graphic data are configured to be decoded by a corresponding decoder separately and presented on different sub-planes of the plurality of sub-planes” with the “first type graphic data for providing interactive displays” and the “second type graphic data for providing images,” as recited in amended claim 1.

For at least the foregoing reasons, amended claim 1 is patentable over Konuma. Even assuming *arguendo* that Mori and Konuma are combinable (which Applicants do not admit), Mori still fails to remedy the deficiencies of Konuma with respect to amended claim 1. Amended independent claims 6, 9, 13, 18, and 21 recite somewhat similar limitations to amended claim 1 and therefore are patentable for at least some

of the reasons stated above with respect to amended claim 1. Dependent claims 2-5, 7-8, 10, 14, 19-20 and 22-25 are patentable at least by virtue of their dependency on one of amended independent claims 1, 6, 9, 13, 18, and 21. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

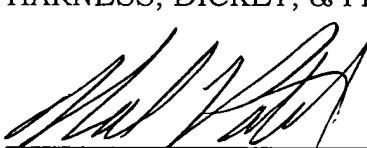
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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